

This is the first President in the recorded history of the United States of America to ever ask for a tax cut in a war, for obvious reasons. If you have a budget for the country and then a war on top of it, every other President in our history has understood that you cannot cut taxes. Most of them have raised taxes to try to pay for the war. But not this President, not this Congress; they are cutting taxes in the midst of a war, driving us deeper and deeper into deficit—a debt which our children and their children will carry for generations. That is not fiscally sound. It doesn't add up. To think that is a much higher priority to many in the leadership on the other side of the aisle is an indication of how far we have moved away from mainstream thinking in America.

A lot of people are dissatisfied with this country's direction. A recent poll announced last week that two out of three people in America say our Nation is on the wrong track, that we need a new direction, that we can do better. We asked them: What is it you are thinking of when you speak of this? They say, No. 1, the war in Iraq. Something is wrong here. This is not what we were told we would get into. We were promised by this administration that removing Saddam Hussein would result in the Iraqi people greeting us with open arms, that we would see them move toward a democracy and set a standard for the rest of the world. Well, here we are in the fourth year of this war, having lost so many of our brave soldiers, and we are not close to that goal. There is no end in sight. The President's answer is a throwaway phrase: "Just stay the course."

The President has said that there won't be a serious discussion of removing American troops under his watch. That is up to the next President, he said. That means waiting more than 2 years to really start bringing American troops home. Is it any wonder the American people are upset with that, that they think we need a new direction in Iraq?

They understand that when it comes to the war on terrorism, we were attacked on 9/11 by al-Qaida, Osama bin Laden, and the al-Qaida terrorists. I served on the Senate Intelligence Committee at that time. The best estimates we had were that there were 20,000 of these willful killers around the world who launched that attack on the United States. Our intelligence agencies report today that they estimate there are 50,000 members of al-Qaida around the world. We know that before our invasion of Iraq, there was virtually no evidence of al-Qaida in the nation of Iraq. Today, al-Qaida has become a potent force, sowing seeds of discord within Iraq and launching attacks against American soldiers. Al-Qaida's franchise has arrived in Iraq since we invaded.

So we have a big job ahead of us to make America safe in a dangerous world, protect against terrorism. We should go back to where we started, when the overwhelming majority of the

Senate voted to go after al-Qaida and the Taliban in Afghanistan. That is a mission not yet accomplished. We need to do more to go after al-Qaida. Unfortunately, this administration has not focused the resources necessary. They have disbanded the effort to find Osama bin Laden in the CIA, a special group put together for that purpose. I believe it is time to renew that effort, that commitment toward removing al-Qaida to make America safe.

Mr. President, as we see the agenda before us in the next few weeks, there are several things we can move forward with on a bipartisan basis: the minimum wage, doing something about Medicare prescription Part D, and making certain we move toward a nation with an energy policy that will sustain the growth of our economy and not destroy the environment in which we live. We can accomplish these things—and we should—in the days ahead.

THE TOBACCO INDUSTRY

Mr. DURBIN. Mr. President, when I came to Congress years ago, I had no idea that one of the major issues I would face and be involved in was the tobacco industry. Now, I knew what tobacco had done to my family. I lost my father when he was 53 years old. He died of lung cancer. He smoked two packs of cigarettes a day. I was just a sophomore in high school when he died. I stood there by his bed at his last breath and thought to myself, I hope I am smart enough to never be addicted to tobacco, because I have seen his young life destroyed by it.

I didn't swear to go against the tobacco companies. That sure wasn't the reason I ran for office. But the time came, as a Member of the House of Representatives, when issues started presenting themselves involving tobacco. As they presented themselves, I recalled my personal and family experience with death and disease from tobacco, and I decided to get involved.

About 15 or 16 years ago, I introduced a bill to ban smoking on airplanes. I was a Member of the House and didn't know any better, and I was told by the experts: You are going to lose; nobody beats the tobacco lobby; they are too powerful in this town. All of the leadership on both sides of the aisle in the House opposed my amendment. To my great surprise, it passed anyway. It turns out that Members of the House of Representatives, and ultimately Members of the Senate, are frequent fliers. They knew how ridiculous it was to have smoking sections on airplanes and nonsmoking sections. Eventually, we reached a point where there was no smoking on airplanes. My colleague from New Jersey, Frank Lautenberg, carried this bill successfully in the Senate. Together, we worked and banned smoking on airplanes.

A lot of things have happened in America since. Once we established that it was unsafe to be exposed to secondhand smoke on airplanes, people started asking the obvious questions:

Is it safe in an office? Is it safe in a hospital? Is it safe on an Amtrak train or on a bus? America started moving toward a new standard over the last 16 years, and I am happy to say there are now fewer and fewer places in America where you are exposed to secondhand smoke. Most smokers who are still addicted at least ask permission before lighting up. Most know it is better to go outside. That is a changing standard in America and one that I believe has led to a healthier nation.

Make no mistake, while we have made progress in dealing with tobacco, the tobacco companies have still been selling their deadly product. As they sell that product, we learn more and more about their corporate strategy. Let me read to you the opening line in an editorial last week written in *Newsday*, a publication in New York:

Lying is as natural to tobacco executives as breathing once was to their customers.

They were reacting to last week's stunning disclosure that the tobacco industry is up to its same old tricks. During the last 6 years, cigarette manufacturers have steadily increased the level of nicotine smokers inhale every time they smoke. Nicotine, of course, is that addictive chemical in the cigarettes which leads people to smoke even more. During the same 6-year period of time, more and more cities and States have been expanding protections for people to play and work away from secondhand smoke, while the industry has been loading up their product with more nicotine so that it is tougher to quit.

The Surgeon General of the United States found definitively that secondhand smoke is dangerous. Of the 45 million Americans who still smoke today, 70 percent say they want to quit. It is tough to quit. It is made even more difficult because the cigarette manufacturers put more of the addictive nicotine chemical in the cigarettes. We know that now. The tobacco industry was found guilty of racketeering, of intentionally manipulating nicotine levels to create more addiction to cigarettes. While they are running this advertising about how dangerous it is to smoke, to talk to your kids—while you see those ads on television and see what is going on in newspapers and magazines, all this advertising notwithstanding, they are pumping more and more of this addictive nicotine into their product.

We passed in the Senate a provision that would have given the FDA the authority to regulate cigarettes. It died in conference. Once it went into a conference with the House of Representatives, they stopped it. So this deadly product of tobacco and cigarettes continues to be the only product in America that is widely sold and is not regulated by our Government. It is not regulated in terms of its contents or its marketing or advertising. You would think that in a situation such as this, the tobacco industry would have spent

the last 6 years cringing over the feeling that their product was so deadly. No, they decided to crank up the nicotine levels in popular brands of cigarettes. They made their deadly product even harder to quit using. If you are one of the 70 percent of smokers who really want to quit, tried to quit and haven't been able to, thank the manufacturers of that cigarette you are smoking; they made sure there is enough nicotine in every pack so that it is tough for you to stop your addiction.

Of course, the cigarette industry won't even consider informing their customers of the higher levels of nicotine. Instead, the companies ran ad campaigns promoting "light" and "low tar" brands—descriptions that were meaningless and only misled people into buying and smoking more cigarettes.

Newsday wasn't the only publication to speak out on this issue. The New York Times wrote:

It is stunning to discover how easily this rogue industry was able to increase public consumption of nicotine without anyone knowing about it until Massachusetts blew the whistle. . . . It is long past time for Congress to bring this damaging and deceitful industry under Federal regulatory control.

You have to hand it to the cigarette makers. It is a great business plan. Every day, 4,000 teenagers take their first cigarette and start smoking. They don't need to smoke very long before their bodies have absorbed a lot of nicotine and they are on to an addiction. If you are addicted to cigarettes, of course, you want more of them.

The latest stand came several weeks after a Federal court found the cigarette makers guilty of racketeering. The Washington Post says of Judge Kessler's opinion that it:

. . . is moving and powerful. It is exhaustive in scope, detailed and utterly convincing that the industry sought for five decades to mislead the American people and Government concerning the deadly consequences of smoking.

After several years of litigation against the industry by the U.S. Department of Justice, Judge Kessler found:

Defendants have marketed and sold their lethal product with zeal, with deception, with the single-minded focus on their financial success, and without regard for their human tragedy or social costs that success exacted.

Two weeks after the strong rebuke of the industry's practices, the cigarette makers filed a motion with Judge Kessler. Do you know what they wanted to know? They asked if her directive to stop misleading customers about light and low-tar labels on their cigarettes meant they had to stop deceiving people overseas. They wanted to know if they could still practice their deception of their products they sell around the world, even though they have been told not to do it in the United States. What a great industry.

The Washington Post this morning said:

(I)n a sign of the boundless rapaciousness of these companies in marketing death, they had the temerity to ask [the judge] not to apply her order "to sales wholly outside the United States." If we can't continue to defraud Americans into killing themselves, they effectively asked, can we at least keep suggesting to billions of people abroad that some cigarettes are safer than others?

Think about that. They had the nerve to ask if they could sell this product overseas and continue to deceive when they have been stopped from doing so in the United States. If any doubts remain about this ruling and the willingness of this industry to play fair, last week's news put it to rest.

Nicotine levels spiked even while this trial was underway, and there was no one—no industry representative, no Federal agency, no consumer group with access to the information—no one to question the cigarette makers. If it were not for the State law and diligent health requirements in Massachusetts, we still would not know.

The very helpful nicotine replacement products people use to help them quit smoking are not very effective if the cigarettes they are trying to give up are delivering much more nicotine.

Who is going to tell the consumers?

The cigarette makers have gotten away with this latest spike in nicotine, as they have gotten away with lies and deceptions in the past.

I have proposed, along with others, regulating this industry. It is time for us to know the contents of this product, to market it in an honest fashion, and to put meaningful warning labels on cigarette packages in the hopes that we can stop young people from taking up this habit.

I have said, in my entire life, I have never heard a single parent come to me and say: I have the greatest news in the world: My daughter has decided to smoke. I have never heard that because parents know intuitively—and we all know intuitively—that it is the beginning of an addiction which can lead to compromised health and death.

I urge my colleagues who have turned their back on this tobacco issue for too long to acknowledge what has happened with these decisions and with this disclosure by the Massachusetts health department. We need to do more. We need to regulate this product, and we need to protect American consumers.

Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I understand we are in morning business; is that correct?

THE PRESIDING OFFICER. That is correct.

ISSUES FACING AMERICA

Mr. THOMAS. Mr. President, it is nice to be back after having nearly a month break. It is a good opportunity to come back and see what the rest of the world is like. I think we have a lot of great challenges before us, and I hope we can accomplish a great deal. To do that, we are going to have to have some agreement among the folks here.

I am compelled to come to the Chamber because there has been a great deal of criticism on the floor today of the Congress and the lack of activity in the Congress over time, and certainly all of us agree we could do more and we need to do more. In order to do that, we have to come to some sort of an agreement.

One of the problems with getting things done with 55 votes is that anyone can object, and it takes 60 votes to override that, and we have had a lot of that experience from our friends on the other side of the aisle. So we need to do a great deal more than we have been able to do.

I am hopeful we can begin to talk more about issues. There is a difference of view about issues. That is what the Senate is all about. There are differences of views everywhere. We ought to talk about the issues and not just talk about politics. So I hope we can address those issues in a more direct way and not just simply be critical in order to talk about the future in terms of the Congress. I am here to say we haven't done all we would like to do. No one would argue with that. On the other hand, we have accomplished quite a number of things over a period of time. We have a great deal to do and a great many challenges.

Securing the homeland has been one of the top issues, of course, because of the threats we have going back to 11 September and the continuing threats we hear about, whether it be in London or whether it be in the Middle East. There is a terror problem in this world. We have a PATRIOT Act that gives us much more strength to be able to deal with the kinds of things that are going on. We have secured the borders much more than we have in the past. Is there more to do? Absolutely. We have 14,000 agents and 25,000 beds to deal with the problem at the border.

I am one who believes we ought to be doing something on immigration. I believe we ought to continue to tighten the border. We ought to initiate efforts to define who is illegal and who isn't. We should be able to get employers to report whom they have as illegal and so on, and we need to do some of those things. I am not for giving amnesty, but we can deal with the problems we have, and I hope we can come together and do some things. We have funded the war on terror, and there is a war on terror.

Securing America's prosperity. We have heard a great deal about the economy in the last few days with the latest reports. We have created 5.3 million